

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 17, 2014

The Southeast Cass Water Resource District met on September 17, 2014, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Jacob Gust, Sheyenne Flood Control District #1 Superintendent; Jon Hager, ProLandscapers LLC; Tracy Hazelton and Fran Heitkamp, H & S Contracting, Inc.; George Grossman, City of West Fargo; Brandon Oye, Moore Engineering, Inc., Engineer for the City of Kindred; Juan Munoz, property owner in Reed Township; Mark Ewens and Mike Lukes, National Weather Service; and Guy Ash, Precision Weather Solutions.

Minutes

It was moved by Manager Jacobson, seconded by Manager Yohe, and unanimously carried to approve the minutes of the August 20 and September 3, 2014, meetings.

Approval of Agenda

It was moved by Manager Yohe, seconded by Manager Jacobson, and unanimously carried to approve the agenda, as amended.

Sheyenne-Maple Flood Control Projects

A. Lease of property – H & S Contracting, Inc. and ProLandscapers LLC

Brady Woodard introduced representatives of H & S Contracting, Inc. and ProLandscapers LLC. Tracy Hazelton explained that the firms have been seeking a property location in West Fargo and are interested in leasing property owned by the Board.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the negotiation of a lease with H & S Contracting, Inc. for a term of 3 years and to allow access to the property as soon as proof of insurance is provided by H & S Contracting, Inc. and ProLandscapers LLC. Upon roll call vote, the motion carried unanimously.

B. Roadway improvements on 12th Avenue North at the Project #1 tieback levee

The Board received a request on behalf of the City of West Fargo for review and approval of roadway improvements at 12th Avenue North at the Project #1 tieback levee. Chad Engels stated that he will be sending comments and providing input on the project design.

C. Surfacing an area of the Project #1 levee

The Board discussed a request to surface an area of the Project #1 levee with gravel to improve access to a Mapleton Township road. There have been issues with unauthorized traffic in the past year leading the Board to discuss whether granting the request would result in further or more serious issues. Brady Woodard stated and George Grossman confirmed that the District has materials on hand to construct gates and restrict access, thereby negating the need for graveling the surface and eliminating the traffic issues.

It was moved by Manager Yohe and seconded by Manager Jacobson to install gates on the Project #1 outside levee where the frontage road ends south of I-94 and at 26th Street West and add gravel to the field approach, creating a turn-around. Upon roll call vote, the motion carried unanimously.

D. West Fargo Street Improvement District No. 2236 – 52nd Avenue West, from Sheyenne Street to Project #2

Notification was received from the City of West Fargo of a street improvement project on 52nd Avenue West, from Sheyenne Street to Project #2. No action on this item was required at this time.

Drain #60 – Newport Ridge 5th Addition

Brandon Oye presented information on the *Newport Ridge 5th Addition*, providing further details on an initial report by Marlowe Rud at the August 20, 2014, meeting. Mr. Oye presented the plans being developed for drainage and flood management for the addition, which anticipates future needs as the addition is further developed. Mr. Engels stated that he needs to get geotechnical input on the proposed design for water retention. He also needs to investigate the size of the culverts in place to ensure the culverts can handle the potential increase in water flow efficiently.

Mr. Engels is working on the property descriptions, as directed at the August 20, 2014, meeting. Once completed, Mr. Fredricks will work on the easement and right-of-way agreements with the City of Kindred for the *Newport Ridge 5th Addition*.

Drain #10 slide repairs at NDSU - update

The contract was awarded for the Drain #10 slide repairs at NDSU at the September 3, 2014, meeting to H & S Contracting, Inc. The contracts are yet to be signed and a storm water plan developed for submission to the State Health Department. The spoil from the Drain #10 slide repair project will be used for levee construction at El Zagal.

Drain #21 – NDDOT *Permanent Maintenance Easement*

A request from the NDDOT for a *Permanent Maintenance Easement* on Drain #21 at Main Avenue has been received and reviewed. Mr. Fredricks noted some concerns with the agreement language. Mr. Engels will be scheduling a conference call to discuss and resolve the concerns.

Bridge replacement on the Sheyenne River at Main Avenue in West Fargo – Agreement with the NDDOT

The bridge replacement on the Sheyenne River at Main Ave in West Fargo is scheduled with a start date of May 1, 2015, and end date of July 27, 2015. The box culvert design will be constructed by the NDDOT. The project will also include the construction of a storm sewer system into Drain #21. Mr. Engels will be reviewing the design of both structures. It was noted that a letter was received from the City of West Fargo requesting non-flood operation of the Sheyenne-Maple Flood Control District #1 for the duration of the project. The Board discussed the current fee structure to do so. It was determined that no changes in the fee structure would be implemented at this time.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve and authorize the Chairman to sign the *Agreement* with the NDDOT for non-flood operation of Sheyenne Flood Control District #1 regarding the bridge replacement over the Sheyenne River at Main Avenue. Upon roll call vote, the motion carried unanimously.

Drains #27 and #53 - Coulee Crossing/Oakcreek Flood Risk Management Project – Easements and Joint Powers Agreement

Mr. Fredricks reported that four easement agreements were received from the City of Fargo for the Coulee Crossing/Oakcreek Flood Risk Management Project along 40th Avenue South. Language was added to the agreements to protect the integrity of the drain, should any damage or potential repair work be required. Mr. Engels reported that he had reviewed the design and found no issues.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve and authorize the Chairman to sign the Easements and Joint Powers Agreement regarding the Coulee Crossing/Oakcreek Flood Risk Management Project on Drains #27 and #53. Upon roll call vote, the motion carried unanimously.

Drain improvements regarding the Metro Flood Diversion Project

Mr. Engels presented an overview of the potential drain improvements to be addressed in advance of the Metro Flood Diversion Project.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to develop a plan and provide cost estimates for improvements to Drains #21C, #50, #51, and #47. Upon roll call vote, the motion carried unanimously.

Weather Stations

The Board had previously initiated discussions with Guy Ash to explore the placement of weather stations in the Red River Basin to monitor soil conditions to assist with flood forecasting and management. Manager Yohe suggested that this project could be considered as a pilot project for the state of North Dakota and that a cooperative approach with the National Weather Service would afford an opportunity to avoid the expenditure of unnecessary funds or duplicate existing services.

Mark Ewens stated that the greatest challenges facing the National Weather Services are the lack of data and the diminished size of the human observation network. Guy Ash spoke to the data collection efforts in place in Winnipeg. Mike Lukes spoke to the automation available to model the data collected from weather stations.

Based on the presentation of information and discussion, the Board authorized Messrs. Engels, Lukes, and Guy to begin the site selection process for establishing up to 10 weather stations in the Red River Basin and prepare a cost estimate for Board review.

Juan Munoz Ring Dike

Juan Munoz attended the meeting to obtain information on the potential buy out of his property or funding sources to build a ring dike around the property. In 2012, an application was approved by the State Water Commission to construct ring dikes around his property and an adjacent neighbor's property, independently. Mr. Munoz prefers to build one ring dike around both properties to avoid disturbing tree growth and the drain fields. Sean Fredricks responded the Water Resource District cannot provide cost share for projects on private property. Mr. Munoz was advised to contact the Cass County Engineer's office regarding a possible buyout.

Application No. S-1918 for the Metro Flood Diversion Authority to construct a 75,000 GPM outfall structure into the Red River in the SE 1/4 SE 1/4 of Section 6 in Barnes Township and Application No. S-1919 for the Metro Flood Diversion Authority to construct a 100,000 GPM outfall structure into the Red River in the SW 1/4 NE 1/4 of Section 7 in Barnes Township

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the District Engineer to review and provide comments to submit to the Office of the State Engineer on *Application No. S-1918* for the Metro Flood Diversion Authority to construct a 75,000 GPM outfall structure into the Red River in the SE 1/4 SE 1/4 of Section 6 in Barnes Township and *Application No. S-1919* for the Metro Flood Diversion Authority to construct a 100,000 GPM outfall structure into the Red River in the SW 1/4 NE 1/4 of Section 7 in Barnes Township to the Office of the State Engineer.

Township approval / permit form for use with tile permit applications

Mr. Fredricks presented the newly developed *Township Discharge Permit* for use by townships regarding subsurface drain applications. It was moved by Manager Yohe and seconded by Manager Jacobson to adopt and incorporate into procedures the use of the *Township Discharge Permit* form. Upon roll call vote, the motion carried unanimously.

Application for Surface Drain #4390 for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County

It was moved by Manager Yohe and seconded by Manager Jacobson to direct the Secretary-Treasurer to compose a letter for signature by the Chairman, copying the Office of the State Engineer, requesting the Richland County Water Resource District order the unpermitted drainage closed, pending approval of the necessary permit for Helendale Private Drain LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County. Upon roll call vote, the motion carried unanimously.

Utility Permit for Dakota Carrier Network to install fiber optic cable across Drain #27, west of 45th Street South

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Utility Permit* for Dakota Carrier Network to install fiber optic cable across Drain #27, west of 45th Street South, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Correspondence from the Fargo Department of Planning and Development - October preliminary packet

The Water Resource District Engineer had no comments to submit on the Fargo Department of Planning and Development correspondence regarding the October preliminary packet.

Correspondence from West Fargo Planning - North Pond at the Preserve 6th Addition Plat

It was moved by Manager Jacobson and seconded by Manager Yohe to direct the Water Resource District Engineer to review and send comments, if any, to the West Fargo Planning Commission regarding the North Pond at the Preserve 6th Addition Plat. Upon roll call vote, the motion carried unanimously.

Annexation to the City of West Fargo - Lots 1, 2, 4 and 5, Block 1 and Lots 1 and 13 of Block 2, West Fargo Third Addition

It was moved by Manager Yohe and seconded by Manager Jacobson to direct the Water Resource District Engineer to review and send comments to the City of West Fargo regarding the annexation of Lots 1, 2, 4 and 5, Block 1, and Lots 1 and 13 of Block 2, West Fargo Third Addition. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #11370 through #11394 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

Meeting schedule

The next meeting will be held on October 15, 2014, at 8:30 a.m. The date and time for the November and December meetings will be determined by Chairman Brodshaug and the Secretary-Treasurer.

Minnesota Power Easement

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Chairman and Secretary-Treasurer to sign an Easement with Minnesota Power to reroute the power line north, out of the Maple River Dam pool area, in the NE 1/4 of Section 27 in Highland Township. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer